

ah70
PRESIDENT CASSELL: Okay. Abstain?

(No response.)

PRESIDENT CASSELL: The motion carries.

Delegate Holmes?

MS. HOLMES: Mr. Chairman, I make a motion that we adopt Rule 4.3, with the adoptions and amendments, if there be any.

(The motion was duly seconded.)

PRESIDENT CASSELL: Okay, it has been properly moved and seconded that Rule 4.3 be adopted with amendments. What is your pleasure?

MS. HARRIS: Mr. Chairman, I move that we strike Rule 4.3. It is the responsibility of the Chair to maintain order anyway. I see this as totally unnecessary.

MS. SIMMONS: I second that motion.

PRESIDENT CASSELL: It has been moved and seconded that 4.3 be struck as unnecessary; deleted, struck.

All in favor of the motion, signify by saying aye.

(A chorus of ayes.)

PRESIDENT CASSELL: Opposed?

(No response.)

PRESIDENT CASSELL: Abstain?

(No response.)

ah/71

MR. B. MOORE: You didn't ask for discussion, Mr. President.

PRESIDENT CASSELL: The Chair apologizes. I withdraw that.

Is there discussion on that motion?

MR. B. MOORE: I'd like to ask the Chairman of the Committee who proposed this rule, what was the rationale for including it.

MS. SIMMONS: It sounds like low trust level of the Chair's competence.

MS. HARRIS: I don't recall that at all.

PRESIDENT CASSELL: A question has been asked to the Chair.

MR. B. MOORE: The Chair of the Committee that proposed this rule.

PRESIDENT CASSELL: Yes. Do you want to speak to that question, Delegate Schrag?

MR. SCHRAG: I am a member of the Committee. This rule is a fairly traditional rule that often appears in rules of constitutional conventions. I am not absolutely certain of its purpose, myself, but I think that the purpose is that points of information and points of order raised during a roll call or in the midst of a roll call might change the vote of

people who have yet to vote, without that information having been available to the people who have already voted. This would create a very confusing situation in which half the people would have voted on one proposition, with one set of information, and the other half of the people would have voted on a different set of information. So to ensure that every person voting is voting on the same thing, I think that is the reason for this rule, to make sure that everybody has the same information at the time they are voting, and if there is some question or confusion about it, that gets addressed at the end of the entire roll call, not in the middle of the actual roll call.

MS. GRAHAM: Mr. Chairman, isn't it true that we have been asking the President or the Chair to restate what we are voting on prior to taking that vote?

PRESIDENT CASSELL: We have.

MS. GRAHAM: Well, it seems to me that would make this very unnecessary if that is going to proceed each voting time, and that has been the procedure that we have been following so far. And I can't see why we would need this, since the President or the Chair has been stating that, so we would know what we are voting on, and there would be no problem.

PRESIDENT CASSELL: Delegate Simmons and then Delegate Baldwin and then Delegate Long.

MR. SIMMONS: I would like to speak in support of the amendment. I think that we really, I hope, are moving to higher trust levels of the competency of people, and therefore, to allow the discretion of the Chair by putting this in here -- you know, if the building is on fire, we can't be interrupted to be informed if the roll call is in progress. So I think this is highly unnecessary. I associate myself with the comments of Delegate Graham, and also with some confidence in the discretion of the Chair not to allow dilatory tactics, not to allow perversion of the data at hand in the deliberations, and because I have those confidences, I see this as totally unnecessary.

PRESIDENT CASSELL: Delegate Baldwin?

MR. BALDWIN: I speak in favor of the amendment, and I am sure Delegate Schrag from Ward 3 understands that if this motion fails that we are taking some historical rights, especially in the whole parliamentary procedure, away from people. And I know some people will say, "Well, we can make any rule we want," but as Delegate Simmons stated, on certain motions, we should never take away from the body.

ah74
PRESIDENT CASSELL: Delegate Long?

MR. LONG: I withdraw my remarks.

PRESIDENT CASSELL: All right. It has been moved and seconded that Rule 4.3 be struck, deleted, in its entirety.

Are you ready for the question?

Those in favor of the motion, please signify by saying aye.

(A chorus of ayes.)

PRESIDENT CASSELL: Those opposed?

(A chorus of nos.)

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: Yes, Delegate Mason?

MS. MASON: Hilda Mason, at-large.

I would like to propose a new 4.3, and I have it written out, Mr. Chairman. "A person who was absent during a roll call vote may have entered into the record a motion of how he or she would have voted if present." That does not mean that the vote is counted, but the record will show how the person would have voted.

I so move, Mr. Chairman.

(The motion was duly seconded.)

ah75

PRESIDENT CASSELL: It has been moved and seconded that a person who was absent during the roll call vote may have how he would have voted recorded in the record.

Any discussion?

MS. SIMMONS: I call for the question, Mr. President.

(The motion was seconded.)

PRESIDENT CASSELL: Yes?

MS. CORN: May I ask the maker of the motion, does that mean that that would appear in the minutes, since that did not actually transpire on the floor? Where would that recordation be?

MS. MASON: The person would report to the Secretary or to the President, and that would go into the record, into the legislative history.

That is not unique. It is done on the Council, and I think done on the Board of Education.

PRESIDENT CASSELL: We have completed Chapter 4.

Delegate Holmes?

(Simultaneous conversation.)

MS. SIMMONS: I just called for the question, and that call was seconded when Delegate Corn interjected for clarification. So we need that put.

PRESIDENT CASSELL: All right, hold it just a minute

ah76

We haven't finished that chapter.

Yes, Delegate Rothschild?

MR. ROTHSCHILD: I question whether or not we need a separate rule for that. Would that not be better included in 4.2?

MR. KAMENY: That is going to be clarified later on.

(Simultaneous conversation.)

MR. ROTHSCHILD: Yes, but we are giving direction now -- so it could be included in 4.6?

MR. KAMENY: Yes.

PRESIDENT CASSELL: Are we ready for the question? Those in favor of the motion say aye.

(A chorus of ayes.)

PRESIDENT CASSELL: Those opposed, nay.

(No response.)

PRESIDENT CASSELL: Abstentions?

(No response.)

PRESIDENT CASSELL: Very good.

Delegate Holmes?

MS. HOLMES: Mr. Chairman, I move that we adopt the amendment for Rule 4.3 -- didn't you amend that?

(Simultaneous conversation.)

ah77
PRESIDENT CASSELL: Order, please.

MS. HOLMES: Okay. On Rule 5.1, I make a motion that we accept this with the corrections and amendments, if there be any.

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that Rule 5.1 be adopted as to be amended.

Delegate Simmons, and Delegate Harris.

MS. SIMMONS: I move, Mr. Chairman, to request that 5.1 be deleted.

(The motion was duly seconded.)

PRESIDENT CASSELL: The motion is seconded that 5.1 be deleted. Is there any discussion?

Delegate Kameny?

MR. KAMENY: I would like to request, if I'm in order, that Delegate Simmons explain her reasons for doing this -- not by way of challenge, just by way of information.

MS. SIMMONS: : My recommendation for the deletion is that I haven't for the life of me been able to figure out the reason for it being. So if there is no reason for it being, then I think it ought not to be.

PRESIDENT CASSELL: Is there any other discussion?

Delegate Schrag, you had your hand up.

h78

MR. SCHRAG: Essentially, the second sentence of this rule is the traditional rule of Robert's Rules, that a delegate may speak only when recognized by the presiding officer, and this is needed to give the presiding officer the authority to conduct the business, with the exception that there are certain, privileged motions, such as a point of order, that allow for a person to say something to the body, namely, the words, "point of order", even when not recognized. So the second sentence is very traditional.

The first sentence, the Rules Committee considered, and it was inserted because of our sense that it would be much easier for the President to see who was trying to gain recognition if delegates would stand when they sought recognition, and there would be fewer arguments about whether a delegate wasn't recognized by the President, and everybody would be able to see whether a delegate sought recognition or not, and it would remove from the President any possible question about whether he had failed to recognize a delegate who was seeking to speak. So we put this in as a protection for the President and for the body.

PRESIDENT CASSELL: Delegate Simmons.

MS. SIMMONS: I fully appreciate Delegate Schrag's comments. I think that what obtains whenever we are silent on

an issue is Robert's Rules; that is standard. Plus, not any of the delegates have evidenced an auditory impairment, and with explanation and understanding, I don't see that we have to write out every minute thought. I mean, it's as if we are orchestrating people with a considerable deficit between the ears.

PRESIDENT CASSELL: Delegate Harris?

MS. HARRIS: I just want to support Delegate Simmons' motion. I think this is really not a separate rule, and I think it is implied in the rules, and I think it ought to be deleted.

PRESIDENT CASSELL: Delegate Corn?

MS. CORN: I have one question on a point of information. When we were starting out, a lot of people would want to make motions to amend something, and the first amendment to a section would come along, and it would be discussed, voted on; a second, it would be discussed, voted on, and then somebody would call the question. And others who had other amendments would not have the chance, then, to bring those amendments up on a whole section, and therefore, a whole section would be voted in with the amendments that had already been presented and voted on, and new amendments which others wanted to present didn't have that opportunity, which

ah80
meant if they brought them up, they would have to be up for reconsideration.

I would like to know whether this, by saying, "Delegates will stand to be recognized and to speak," whether that would obviate that problem, or whether other language should be put in that would obviate that problem, or how would that problem be dealt with?

PRESIDENT CASSELL: I would think that any delegate always could be recognized.

MS. CORN: But that wasn't necessarily the case when we started out. In fact, that is what created a lot of hard feelings, was that some of us did raise our hands and were not recognized until after a vote on a whole section was called, and then, if we had presented our amendments, it would have been reconsideration. And I think that is where a lot of our problems have stemmed from. And I would like to know that this is definitely going to be addressed in these rules somewhere and somehow dealt with; whether standing to be recognized will avoid that problem -- fine. If not, I would like somebody to make a motion to specifically address that problem.

PRESIDENT CASSELL: Would the maker of the motion be -- the maker of the motion is not here -- Delegate Jordan?

I will defer that question.

MR. JORDAN: I am kind of confused by the statement that is being made. As I understand it, any delegate at any point can call for the question, and if he receives a two-thirds vote, the discussion is cut off. So I don't understand what the object or the intent of the discussion that Delegate Corn is raising at this point, while as we are trying to build into this process something that in fact does just as she has said, that eviscerates the rules that we are adopting at this point. I've got a problem with that. I don't want to build into our rules a system that will allow anybody to just delay and delay and delay through all kinds of series of amendments under the premise that they weren't recognized. I mean, what that says to me is that if I am recognized by the Chair, and I offer a motion for cutting off debate, that this other person would have precedence, and I don't think that is right -- not if we are going to follow our rules that were adopted -- it was suggested earlier we were going to adopt Robert's Rules of Order where ours --

PRESIDENT CASSELL: Delegate Lockridge?

MS. LOCKRIDGE: I'm a bit confused about all this discussion. I have to agree with Delegate Simmons, this is unnecessary. I voted for the Chair, and I have enough confidence

in the Chair that he would respect all of us as delegates and devise some means to make sure that whoever wants to be recognized will be recognized. So I think we are wasting a lot of time here, talking about this.

PRESIDENT CASHBELL: Yes. I'm going to take one more

Delegate MARCUS?

MR. MARCUS: Thank you.

I appreciate the comments by delegate Jordan, and I was going to make similar comments myself. But I did have that, in fact, there is the motion to call the previous question, which gives people an opportunity to vote against that.

But I think there is a point in here that we should take note of -- that while we have faith in the Chair's ability to call on people and conduct a fair debate -- and I do, in fact, have that faith -- that having that first sentence in there, that "Delegate will stand to be recognized and to speak", gives people evidence of the fact that there are delegates who may not be able to gain the floor because they may be too short, they may be in the back of the room -- it gives the Chair an idea of what is in fact going on in the room and allows the Chair an ability to be able to call on people for the purpose of continuing debate until .

appropriate debate is finished with. So I would vote against Delegate Simmons' motion.

PRESIDENT CASSELL: Okay. We have had extensive discussion on this motion. The motion on the floor now is to delete Rule 5.1.

Are you ready for the question? Okay.

All those in favor of that motion, signify by saying aye.

(A chorus of ayes.)

PRESIDENT CASSELL: Those opposed?

(A chorus of nays.)

PRESIDENT CASSELL: Those abstaining?

(A show of hands.)

PRESIDENT CASSELL: I am going to call for a show of hands.

All those in favor of that motion, signify by raising their hands.

(A show of hands.)

PRESIDENT CASSELL: Those opposed?

(A show of hands.)

PRESIDENT CASSELL: Abstentions?

(A show of hands.)

PRESIDENT CASSELL: The vote is 17 for, 9 against, and 5 abstentions. The motion carries.

h84
Delegate Kameny?

MR. KAMENY: I would like at this point, Mr. Chairman, simply to make a suggestion rather than a motion, in which I know some of the delegates concur with me, that it has become clear, I think, that we need to insert at some appropriate place the allusion which has been mentioned before, which Delegate Jordan correctly raised and which I was also aware of, that Robert's Rules of Order, Newly Revised, will be adopted where they do not conflict with our rules, where they are silent. We do not have that in there now, and I would simply suggest to the Chair that at the proper place, language to that effect be inserted.

PRESIDENT CASSELL: Delegate Holmes?

MS. HOLMES: Mr. Chairman, on rule 5.2 that is behind the table, I make a motion that we adopt this with the amendments, corrections or deletions.

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that Rule 5.2, which is the tables giving the President the motions, be adopted with such amendments as are appropriate.

Discussion?

Delegate Coates?

MR. COATES: Mr. Chairman, I move the adoption of

uh85
Rule 5.2 -- whatever the appropriate subsection is, 5.1 -- I stand corrected -- as follows. That part of Rule 5.1 appearing on page 14, in the column captioned, "May apply to these motions" --

PRESIDENT CASSELL: Excuse me just a minute -- continue, Delegate Coates. We are dealing with the new 5.1.

MR. COATES: Yes. Page 14, the column captioned, "May apply to these motions", the third sentence therein, now reading, "Motions can be made at any time, but only by a person who voted with the winning side," inserting after the word, "voted", and before the word, "with", the following amendment, "on a roll call vote". End insertion. The rationale we indicated earlier was the Chair, on the wisdom of the body, suggested that the appropriate place for the amendment is with respect to the current rule. That rationale is to document in the event of a motion to reconsider that a person did in fact vote on the winning side.

(The motion was duly seconded.)

PRESIDENT CASSELL: Delegate Coates, would you please restate that motion?

MR. COATES: The motion, sir, is to amend Rule 5.1, that portion occurring on page 14, as follows.

PRESIDENT CASSELL: Some of us missed the page. Now

186
this is page 4 of the table, right?

MR. COATES: Page 4 of the rules, page 14 of the document; page 4 of the tables, the column headed, "May apply to these motions," the third sentence therein. The sentence reads, "Motions can be made at any time, but only by a person who voted with the winning side." To insert within the sentence, after the word, "voted", and before the word, "with", the following amendment, "on a roll call vote", and insertion. The rationale is to document that a person did in fact vote on the prevailing side.

PRESIDENT CASSELL: It has been moved and seconded that on page 4 of the tables, in the first column headed, "May apply to these motions," that the sentence which begins, "Motion can be made at any time, but only by a person who voted....," to insert between "voted" and "with", "on the roll call vote".

Discussion? Delegate Love?

MR. LOVE: I would like to ask the mover of this motion, Delegate Coates, it appears to me that one of the things this would do is it would force people into requiring roll call votes on virtually every issue in order to make sure that there is a record of what is going on. I can understand your concern with the possibility that somebody

might lie at some point and try and move for reconsideration. But it appears to me that that happening once in a while would not be nearly as bad as us forcing roll call votes on virtually every issue. I am not really speaking to it; I'm just asking if you have considered this, that every time we vote, somebody is going to call for a roll call just so there is a possibility that we could reconsider later on.

MR. COATES: I might address myself to the most correct terms involved, since I voted on the prevailing side with respect to the motion to strike from the rules that the Chair could (inaudible). I don't know but that issues will be of such interest to delegates, and I'd like to remove the temptation so to misrepresent how they voted by insisting that we document. I would rather err on the side of too frequently having roll call votes than to subject us to the trial of trying to recommend that the other person initiate a motion to reconsider who did in fact vote on the prevailing side. It is a matter, I think, of weighing --

PRESIDENT CASSELL: I would like to speak against the motion, because not only does it create the possibility of too frequent roll call votes, but it also precludes the possibility for opening for reconsideration a vote which was not by roll call. So in other words, if we had made a mistake

ah88

we basically all agree to it, and there is no way to go back and change it, as far as I can see, if there was no roll call vote.

PRESIDENT CASSELL: Delegate Baldwin?

MR. BALDWIN: In order to carry out what Delegate Coates was saying, we'd have to go back and either reconsider or rescind that section, because how would one know prior to the vote for a reconsideration what motion is coming up, what question is coming up to be reconsidered? So you would have to back, as Delegate Moore said. Really, what you are saying is almost all of the votes shall be by roll call, and we have adopted in 4.1 how we should vote. How do we know when someone is going to raise the question of reconsideration, and in order to do what he is saying, we have got to go back to 4.1 and either rescind or reconsider, depending upon when you do it. If we do it now in this setting, it is a reconsideration; if we do it at another setting, it would be a rescind. So it is almost impossible to do what he is asking unless we take some action, and undo some of the previous actions we have taken.

PRESIDENT CASSELL: Delegate Long?

MR. LONG: I think that people should be aware that the rest of this motion, the rest of the phrase here -

ah89 sentence, which says, "may apply to this motion", that the motion to reconsider here is very narrow. It only applies to the business of the convention, not to constitutional provisions. They are specifically excluded from reconsideration. So we're only talking about things like adopting a budget, or approving other kinds of actions by the convention, and it does not go to constitutional provisions. So I don't think there will be a great deal of controversy about those kinds of things.

In that case, I think probably, it is not necessary to do this. I don't feel too strongly one way or another, but I don't think it is necessary to require this provision. I think on matters of business, we are not going to get into any great arguments.

PRESIDENT CASSELL: All right. Are you ready for the question? Is the motion clear?

Delegate Coates has indicated that we should insert in the column on page 4 of the table, headed "may apply to these motions", after "voted" -- that is, "voted" in the third sentence -- "on roll call vote", so that it would not read, "Motion can be made at any time, but only by a person who voted on a roll call vote with the winning side."

h90 All those in favor of that motion, signify by saying aye.

(A chorus of ayes.)

PRESIDENT CASSELL: Those opposed?

(A chorus of nays.)

PRESIDENT CASSELL: The nays have it.

Is there a call for roll call vote? I heard it very faintly -- all right. That person not having insisted, Delegate Schrag?

MR. SCHRAG: Mr. Chairman, I have an amendment to propose to Rule 5.2. This would come on page 2 of Rule 5.2 -- what used to be 5.2. In fact, we can keep the numbering the same, I think, because when we are finished with the section, somebody will propose the motion that Delegate Kameny mentioned, to make Robert's Rules of Order, Newly Revised; except as inconsistent, we could make that 5.1, and then we could keep this 5.2. But we're not there yet.

My motion has to do with the top line of Rule 5.2 on page 2, the motion for previous question. As it currently reads, "The effect, if pass ends debate."

I suggest that the procedure under which we have been operating for the last several days is a good one, and we should keep our present practice. Our present practice is that if there are two people who want to speak for an issue

ah91

or against it, to make very limited speeches, that they should be permitted to speak, even if there has been a motion carried to end debate.

My motion is to change those words, "if pass ends debate, but two speakers on each side must have the opportunity to speak for two minutes each, either before or after the motion is carried." I will give this text to the Secretary.

Must have the opportunity -- it doesn't mean we must have the speeches, but it means they must have had the opportunity to speak for two minutes each, either before or after the motion is carried. The purpose of this motion is specifically to permit us to continue the practice that I think has worked well for us and has not been taken advantage of over the last week or two.

PRESIDENT CASSELL: Was there a second to that motion?

(The motion was duly seconded.)

PRESIDENT CASSELL: Let me read that again. On page 2 of the table, the motion regarding previous question, the effect if pass ends debate. Delegate Schrag would add, "If pass ends debate, but two speakers on each side must have had the opportunity to speak for two minutes each, either

ah92
before or after the motion is carried."

Discussion?

Delegate Rothschild?

MR. ROTHSCCHILD: As the motion is stated now, it says, "before or after the motion is carried". I am not sure the word, "carried", is what Delegate Schrag actually intended. Do you mean "carried" or "made"?

MR. SCHRAG: I mean "carried". That is, if this is passed, if a motion to put off debate is carried, then the President would look and see whether there have been two speeches on each side already. If there have been already, that's enough. We don't have to entertain more speeches. But if there have not been two speeches on a particular side already, and there are two people who want to speak for two minutes on the subject each, then they will be allowed to do so. So, a total of four is permitted, but if they have already taken place, we don't have to hear anymore.

MR. ROTHSCCHILD: I apologize. I was not following, and I realize that it is a motion to cut off debate. I thought it was the motion itself.

PRESIDENT CASSELL: Delegate Cooper?

MR. COOPER: I'd like to inquire through the Chair of Mr. Schrag if he had or had not considered the consideration

ah93
of his language in Rule 5.3, Limitation of Debate, where it might be more fitting.

MR. SCHRAG: No, Mr. President. The 5.3 is a general limitation of debate. My amendment is far more restrictive, limiting it to two speeches, and only two minutes, not five, and only applies where there has been a motion carried to cut off debate, and those speeches haven't already been made. So this is not inconsistent with Rule 5.3. It is a special case, applicable to where the body intends to cut off debate.

PRESIDENT CASSELL: Delegate Freeman?

MS. FREEMAN: This is a question, really. I understand the point of what we're trying to say, but it seems to me that -- and I don't know how to put it -- that it would make more sense to not have to go through the process of having somebody move the previous question, having the body vote on it, and then sort of after the fact realize that there might have been two on each side who wanted to speak. So I am wondering if there isn't a way that, if somebody makes that motion, the President could then ask have there been two people on each side who would like to speak, and if there have not been yet, then rule that motion out of order until there have been two on each side.

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It is simply that -- I appreciate what you are saying. It seems unnecessary to go through moving the previous question and then going backwards if people haven't spoken. I don't know how to fit it in, though, in this chart.

PRESIDENT CASSELL: Delegate Long?

MR. LONG: Essentially, what Ms. Freeman has suggested was the original suggestion for the Rules Committee consideration -- that is, that the motion would be out of order until two people had spoken for and two against, at least.

MS. FREEMAN: If they chose.

MR. LONG: And at that time, it would be in order, and that would cut off debate.

PRESIDENT CASSELL: Delegate Feeley?

MS. FEELEY: My comments are not in order. I was going to speak to something else rather than the amendment.

PRESIDENT CASSELL: Delegate Kameny?

MR. KAMENY: It is my understanding that the Chair is not required to move ahead with processing a motion to call the question, even when it has been seconded, and therefore, a competent Chair -- and I am not casting any aspersions whatever on our President -- a competent Chair will, of course, before moving ahead with a vote on the call

to the question, will see if there is other debate in order. So that I don't think the amendment is necessarily needed.

PRESIDENT CASSELL: Delegate Eichorn?

MS. EICHORN: I wish to disagree with Mr. Kameny. I think the Chair can ask if they wish to speak to the motion, and if instead they indicate they wish to call the question, they need not be recognized at that time. I think that is the proper way to proceed. But I think we need to establish a policy in the rules if we are going to have debate on both sides of an issue by two speakers.

PRESIDENT CASSELL: Delegate Jackson?

MR. JACKSON: As I understand it, Mr. Chairman, whoever the Chair calls upon has the right to make any motion that they prefer. If it is a motion to end debate, then it is not debateable, as I understand. But there are certain things that the Board does provide that as long as a person wishes to speak that they should be allowed. But I do think that with all that we will go through, and the fact that many will put forth different arguments, that the Schrag amendment is one that we should strongly consider, for the purpose of not limiting debate, but the purpose of expediency. And if people take positions, and if there are people who would lobby for positions, let them go in the hall or whatever.

ah96
want, and choose the two they want to speak or whatnot, and then put the thing there, and then we'll vote on it and move on down the road.

PRESIDENT CASSELL: I'm going to put the question now. Is everybody clear what it is, or shall I repeat it?

On page 2, under "Effect if pass", that column, relating to the previous question, Delegate Schrag would modify that by adding after, "If pass ends debate", "but two speakers on each side must have had the opportunity to speak for two minutes each, either before or after the motion is carried."

All those in favor of that motion --

MS. FREEMAN: I had a substitute motion.

PRESIDENT CASSELL: I'm afraid you missed your opportunity.

MS. SIMMONS: Mr. Chairman, clarification.

PRESIDENT CASSELL: Clarification? Go ahead.

MS. SIMMONS: It does not say "only two"; it says "at least two" -- am I correct in that wording?

PRESIDENT CASSELL: No. It says "for two".

MS. SIMMONS: That's a finite number.

PRESIDENT CASSELL: "must have had the opportunity to speak for two minutes", which in effect is to say at least

ah97

two minutes.

MS. SINNOR: That's all. I just wanted clarification.

PRESIDENT CASSELL: Delegate Freeman, since I recognized another point of clarification.

MS. FREEMAN: I was going to move the substitute motion which would read that "The previous question", at the end of the column, "is not germane until...", and then, "two speakers on each side have had the opportunity to speak."

That way, we deal with the point that I raised earlier, that I would rather not have to go through a vote on the previous question and then go back and have debate, but rather, ascertain in advance of voting on the previous question to end debate whether there are two speakers on each side.

PRESIDENT CASSELL: Where would you insert that, and what was the wording?

MS. FREEMAN: Under, "May apply to these motions".

PRESIDENT CASSELL: Give me the wording, please.

MS. FREEMAN: "Is in order only if two speakers on each side have had the opportunity to speak on each side for two minutes, if desired", or something like that.

MS. EICHORN: I second the motion.

PRESIDENT CASSELL: There is an amended motion now, if I understand that correctly, which would insert before, "but

ah98
two speakers on each side" -- would insert before that, "is in order, but two speakers on each side must have had the opportunity to speak for two minutes or less."

Is that correct?

A VOICE: She said "only if".

PRESIDENT CASSELL: "Is in order only if two speakers on each side have had the opportunity...," et cetera.

MS. FREEMAN: I just wanted to make it clear that it wasn't mandatory.

PRESIDENT CASSELL: And there was a second to that motion?

MS. ETCHORN: Yes. The advantage of wording it this way is that it accomplishes the same purpose, but if, in allowing additional persons to speak issues are raised that cause other delegates to want to speak on the issue, they may decide at that point that they do not want to cut off debate; where, if you cut off debate and then allow an additional speaker who raises something, that other delegates want to comment on, we are beyond that point.

PRESIDENT CASSELL: Okay.

Delegate Jordan?

MR. JORDAN: I don't understand what we're trying to do at this point. As I understood, the motion to move

the previous question is a privileged motion, that what we are trying to say is we don't want to provide the delegates with the right to cut off debate when they want to. I mean, let's be honest about it. It requires two-thirds vote, and those who do not want to cut off debate have an opportunity to vote against that motion. But what we are doing now is to amend it so it would make it very cumbersome for us to handle and we are building into this process an assurance that at least two people are going to speak on everything. That bothers me. Even though I support the position that we have been using up to this point, and that is to allow two people to speak, I'm saying now we're going to have to, as I understand the intent of this motion, go out and try to drum up two speakers.

MS. FREEMAN: I was only clear that it was only if desired, the opportunity, not that it is mandatory.

MR. JORDAN: Now do we know at one point whether they have had the opportunity or don't have the opportunity -- where the motion for moving the previous question is called?

MS. FREEMAN: The Chair can determine that.

MR. JORDAN: Well, the Chair can determine some other things, too. I'm just saying I'm opposed to this, and

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I hope that others will consider this amendment that has been offered and vote in opposition to it, too, because we are taking away, at this particular point, a privilege that each of us has, and we won't be making a motion to move the previous question a privileged motion; we'll be making it something else.

PRESIDENT CASSELL: Delegate Barnes, and then Delegate Rothschild?

MR. BARNES: Yes, I just wanted to raise a point of clarification. The way the amendment is stated now, if the President asks, "Would anyone like to speak against the motion?" then at that point, the previous question can be called; is that true?

MS. HARRIS: Yes.

MR. BARNES: Okay.

PRESIDENT CASSELL: Delegate Rothschild?

MR. ROTHSCCHILD: Yes, I'd like to speak in favor of the motion for its logical order of asking if there are two that do wish to speak for or against before the motion to close debate is in order.

So I basically think it is a good idea, and furthermore, as I think Mr. Eichorn mentioned, if there should be

something raised in those two minutes, either for or against, it offers the opportunity for the convention not to close debate, so they actually see whether or not there is an issue they want to ponder and explore.

PRESIDENT CASSELL: One more. Delegate Corn?

MS. CORN: I'd like to speak for the motion. It seems to me that while it is true that we have 90 days to write a constitution, and time is of the essence, on the other hand, to limit debate and limit other points that may come up is going to be counterproductive. Again, I go back to, if a lot of delegates are not happy with what comes out of this, and they don't feel that the constitution is fair, neither will their constituents. We must give everybody a chance to speak their minds, have their ideas go up or down, but give them that opportunity.

PRESIDENT CASSELL: The motion that is on the floor is to amend the previous motion to say, "If passed, ends debate only if two speakers on each side must have had the opportunity to speak for two minutes each, either before or after the motion is carried."

Are you ready for the question?

MR. SCHRAG: Point of order. It is the Freeman substitute that is on the floor -- it is not my motion; it

is the Freeman substitute that is on the floor, which is a technical improvement on my motion.

PRESIDENT CASSELL: The Chair stands corrected. It is a substitute motion.

MR. CROFT: May I call the previous question.

(The motion was duly seconded.)

PRESIDENT CASSELL: The question has been called. We are voting on the substitute motion by Delegate Freeman.

Yeas?

MR. LONG: Point of order. We are voting upon the decision whether or not to close debate.

PRESIDENT CASSELL: The previous question was called. The question has been put to cut off debate. Those in favor, signify by saying aye.

(A chorus of ayes.)

PRESIDENT CASSELL: Those opposed, no.

(No response.)

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: Okay. Now we are back to the substitute motion, which adds "only if" to the previous amendment, the substitute motion. Do you want to read that?

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MR. COOPER: The substitute on the amendment would read, "If passed ends debate only if two speakers on each side must have had the opportunity to speak for two minutes each, either before or after the motion is carried."

I was stating the prior question. That is why I restated the amendment of Ms. Freeman, which was just the insertion of the words, "only if".

MS. ETCHORN: No, no, it's not an amendment, it's a substitute.

MR. COOPER: I stand corrected. So the substitute would read, "is in order, but only if two speakers on each side have had the opportunity to speak on each side for two minutes each."

MR. SCHRAG: Could you read that again, Mr. Secretary?

MR. COOPER: "If passed, ends debate, is in order, but only if two speakers on each side have had the opportunity to speak on each side for two minutes each."

MR. SCHRAG: I think the words, "on each side" are redundant the second time.

PRESIDENT CASSELL: Point of order?

MS. ETCHORN: Point of order, Mr. Chairman. I'm not sure where that would belong, but it wouldn't belong under

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"Effect, if passed", because the effect would be -- it goes under, "May apply to these motions".

MR. SCHRAG: Right.

MS. ETCHORN: It may apply to any motion where passed, but only if --

MR. SCHRAG: Right.

PRESIDENT CASSELL: With that motion properly stated, the Chair would agree it should be under, "May apply to these motions". The amendment that has been stated is shifted to the column, "May apply to these motions".

Are we ready for the question?

Yes?

MS. MASON: Mr. Chairman, I'm not sure that we have heard the verbatim reading of "May apply to these motions" and which part of this this would be attached to.

PRESIDENT CASSELL: I presume that this is to be added to "Any motion where needed".

MS. MASON: "Any motion where needed", all right. And I think when I heard the Secretary read it, he put a "but" there, and I don't think I heard a "but" when it was put on the floor.

MR. CROFT: It's written.

MS. MASON: Is it written in? Is "but" written?

MS. FREEMAN: "but only if".

PRESIDENT CASSELL: By agreement, we will eliminate the "but". Are you ready for the question?

All those in favor of the substitute motion, please signify by saying aye.

(A chorus of ayes.)

PRESIDENT CASSELL: Opposed, nay.

(A chorus of nays.)

PRESIDENT CASSELL: Abstentions?

(No response.)

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PRESIDENT CASSELL: Delegate Baldwin?

MR. BALDWIN: Mr. President, I'd like to go to page 1 of rule 5.2, and I'd like to speak to the chairman of the Rules Committee. I would like to avoid making a motion, Mr. Schrag. It's coming to you through the Chair. If we could do it by joint consent rather than making a motion, then I would prefer to do that.

I'll begin with the question of privilege on page 1. The question of privilege falls into five distinct categories or classes. One that is mentioned here deals with the rights and privileges of individuals and the assembly. If you accept that, I don't need a motion as far as that goes.

MR. BRUNING: Excuse me, delegate Baldwin. Could you tell me which page you're on?

MR. BALDWIN: Page 1, rule 5.2.

PRESIDENT CASSELL: Page 11.

MR. BALDWIN: Page 11. My initial statement was that if we can do this by consensus, I would not make a motion. The first point that I'm dealing with is the question of privilege, and that's the third motion on that page; it's under the heading of "Questions of Privilege."

My concern under that particular motion of questions of privilege is that we're speaking to what is called --

vr2
there are five questions of privilege. This particular one deals with the rights and privileges of individuals and the assembly. Instead of saying "assembly," correct it and be sure you put "individuals" in there too, because if not, somebody will interpret that you're only talking about the rights of the assembly. I think that's a simple thing and we really don't need to make a motion for that if you buy that.

Does the committee buy that point?

PRESIDENT CASSELL: You would add "individuals?"

MR. BALDWIN: Yes. That question deals with rights and privileges of individuals and the assembly, and there are some very important individual rights that we have and unless you put it in there, you know, it's not there. If we could do this by consensus, that would take care of that.

PRESIDENT CASSELL: Do you want to do this by consensus?

VOICES: Yes.

PRESIDENT CASSELL: Very good.

MR. BALDWIN: The second point under that same question, where it says "decided by the President, votes needed of those present and voting" -- the President does not decide the votes. Now, I'm sure what you had in mind is the

admissibility of that particular question. So, if you'll correct that just by agreeing to that, then we don't need a motion.

See, what happens on a question of privilege under that category that deals with rights and privileges of individuals and the assembly -- the President has to determine whether he's going to admit that or not, right?

So, one would get the interpretation, when you say "votes needed," that the President is going to decide the number of votes. All you have to do under that is just say, rather than "decided by the President," you're talking about the admissibility of the President.

Can we do that by consensus?

PRESIDENT CASSELL: This is the last item on page

11.

MR. BALDWIN: Where it says "votes needed."

May we do that by consensus?

MS. SIMMONS: Good point.

PRESIDENT CASSELL: May we do that by consensus?

VOICES: Yes.

PRESIDENT CASSELL: Very good.

MR. KENNEDY: Delegate Baldwin, I'm sorry. Would you tell me exactly what the language is you're proposing?

MR. BALDWIN: Admissibility by the President, so that you no one will think that the President has to decide the number of votes to get that through. As it stands now, that's what one would think.

The second motion deals with calls for orders of the day. There, again, I think we can do this by consensus. "Calls of order of the day, any special or general order, note that the order of business is not being observed." That's not the effect, if passed.

As you know, the effect of a special order can be to earmark an order for another day, and I think the Rules Committee could just straighten that up with their own language. So, that's not really the effect of a call of special or general orders.

"Takes two-thirds vote to postpone special orders" -- there, again, I wouldn't have any problem with that, but I think it needs to be very clear that calls for order of the day and special orders is a little more than just calling for the order of business.

MS. EICHHORN: Mr. Baldwin?

MR. BALDWIN: The way I interpret this -- and I may be wrong -- the motion for a call for order of the day may apply to these motions; it may apply to special or

vr5
general orders.

MS. EICHORN: Mr. Baldwin?

MR. BALDWIN: Yes?

MS. EICHORN: I think what you're referring to is establishing a special order.

MR. BALDWIN: Okay.

MS. EICHORN: And I don't know whether it's intended that that fall here or somewhere else. But you're right; it doesn't address it here.

MR. BALDWIN: But I could back off on it.

MS. EICHORN: I'd like to know where --

PRESIDENT CASSELL: It's two pages later.

MR. BALDWIN: It's two pages later, so I'll wait until we get there.

The final one deals with appeals, which is the last question on that page. "Any decision by the President shall appeal to the convention or ruling of the President." Then you move over and say it's debatable and amendable.

Now, you're saying it takes a majority, which you recommended with the rules. You recommended it would take a majority of us present and voting to appeal the ruling of the chair. This is the one I really would like to speak to.

Nowhere do you find a majority of the people being

vr6
allowed to appeal the ruling of the chair. You appoint a chair because you have faith in him and he knows the parliamentary procedures. If and when you appeal a ruling of the chair, usually, for the most part, you require two-thirds of the people to do that, because if not, we'll have people appealing the chair, and all they'll need is 23 votes, and they'll be appealing the chair about everything.

MS. CORN: Point of information; not even 23, but a majority of those present.

MR. BALDWIN: Right.

I would just like if the Rules Committee would consider changing that to two-thirds.

MR. SCHRAG: I have a question of Mr. Baldwin. Is it not the case that under Roberts Rules, Revised, Item 18 in the tables of rules relating to motions, the normal vote required for appeal of the chair is a majority?

MR. BALDWIN: Yes, but since we haven't adopted that -- if you look at the third motion of appeal, I can also refer to you where they also recommend two-thirds. Since about five or six of you folks from that committee gave me a long lecture about this and we're not really bound by this --

MR. SCHRAG: I understand we're not, but I understood

vr7
you to say --

MR. BALDWIN: The rules also show two-thirds in here, so I'm just saying that I don't think a majority of this convention should appeal the ruling of the chair. I think you ought to fix it at two-thirds, whether it's in this or not.

I move that the votes needed to appeal the ruling of the chair of this body will be two-thirds.

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that the last column on page 11, the last item, the vote needed of those present and voting to appeal the decision of the chair, be changed from a majority to two-thirds.

Is there any discussion?

MR. LONG: Yes. First, just to clarify, it isn't that two-thirds is needed to appeal; what he's saying is that two-thirds is needed to overturn the ruling of the chair. Now, I want to explain the logic of the call for a majority, not just because it's in Roberts Rules, but because there is some history behind the thing.

The idea is that the chair is the servant of the body, and if there is a disagreement of the body as to what the situation is, then the body has to decide that, and the

body, by a majority, makes that kind of decision.

Now, there are places where you get into a situation where the ruling of the chair, the thing to which the chair is referring, requires two-thirds. Then you may have a situation where you want two-thirds to overturn the ruling of the chair. Otherwise, you get into a situation where something which requires two-thirds, by appealing the ruling of the chair, could then be overturned by a majority. I think that's what delegate Baldwin is referring to.

You want to make sure that you don't violate the rules in the appeals and substitute a majority for what normally would be two-thirds. I think that's your problem.

MR. BALDWIN: I was very clear on my point. If the Rules Committee was clear when they said, "votes needed of those present and voting," then I can only interpret that one way. That means the number of votes that are needed from those present and voting for the right to appeal the chair.

Now, if someone else can give me another interpretation of that, I'd like to hear it. That's all that means. The number of votes, once somebody is appealing the ruling of the chair -- you're saying the number of votes you need in order to do that would be a majority, and that's the

only interpretation I can put to that.

Now, if you're saying it doesn't really mean that, then I don't know what it does mean. The first is the rule to appeal, as you know, Mr. Long.

MR. LONG: Right.

MR. BALDWIN: Let's use some examples. One of the times previously, I appealed the ruling of the chair to bring in a special order to hold elections on Thursday, whatever that date was, at 8:00 p.m. The chair ruled that out of order. I appealed that ruling, just that ruling only, and it took a two-thirds vote. Two-thirds of us present and voting said it was in order.

Once we got in, then we had to say, "What was that special order?" It took a two-thirds vote, also, for us to say we were going to hold elections on February 11th at 8:00 p.m.

All I'm saying, and I'll say it again, we should not allow the majority of this body to appeal the decision of the chair.

PRESIDENT CASSELL: Any further discussion on the motion? Delegate Croft?

MR. CROFT: I move the previous question.

PRESIDENT CASSELL: The previous question has been

moved. Those in favor, signify by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Those opposed?

MR. ROTHSCHILD: Point of order, Mr. Chairman.

I believe you were looking in my direction and the call for the question was shouted out. I don't think that person was recognized. Don't you have to be recognized to call the question.

PRESIDENT CASSELL: I recognized the person whom I heard first.

MR. ROTHSCHILD: Well, it sets a precedent for just anybody shouting out.

MR. LONG: I have a point of order, Mr. President. Our rules, presently adopted, require two speakers for and two against every motion that we pass. As I understand it, there has only been one speaker "for" and one against.

MR. CROFT: Point of order. The previous question has been called. I have pointed this out before at the last meeting and I will point it out again, and I will indeed demand that the record be read.

It was my understanding that we passed a motion for one night, two "for" and two against. It has been interpreted to cover all of our meetings since. It is my

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understanding that the record will show that it was for that night only, and in that case the calling for the previous question is in order.

I would like the record to be read, then, to show what that motion was. Another point of order is that until these rules are totally in effect and until these rules have been totally adopted, we are still bound by Roberts Rules of Order, Newly Revised.

MR. D. MOORE: Mr. Chairman, I was the maker of the motion a week or two ago and it was clear in my mind that it was for the duration of the pre-convention hearings. There was no indication in the motion that it was just for that evening.

PRESIDENT CASSELL: We're checking the minutes.

MR. BLOUNT: Point of order, Mr. Chairman.

PRESIDENT CASSELL: One moment, please.

(Pause.)

MR. BLOUNT: I would like to request, just in fairness and the interest of harmony, that delegate Rothschild be allowed to speak. He probably could have been finished by now.

PRESIDENT CASSELL: We're responding to delegate Moore's indication that he believes he clearly made a motion

that was passed indicating that there would be a minimum of two speakers per question, and the minutes do not reflect that. We cannot find that.

Based on the fact that the minutes do not reflect that there be a minimum of two speakers on each side of a question for the duration of the convention, the Chair rules that that motion is out of order.

MR. LONG: Point of information.

PRESIDENT CASSELL: Yes?

MR. LONG: Do the minutes reflect anything on that question?

PRESIDENT CASSELL: They do. There was a motion to that effect, there were several amendments, and they died. It was never passed.

MS. GRAHAM: Mr. Chair, I thought we should recess for five or ten minutes, and that would give you time to do that.

PRESIDENT CASSELL: We think we can resolve it before we recess.

(Pause.)

PRESIDENT CASSELL: We wish to correct the record as just stated. The minutes of February 8th, 1982 -- there was a motion by delegate Brian Moore to allow no less than

two members to speak to each side of a question. Amendment by delegate Johnson to limit time of debate to two minutes per speaker carried; previous motion carried.

This motion applied to that meeting. There was no indication in this motion or the amendment that this applied to any other than that particular meeting.

MR. CROFT: Point of order, Mr. Chairman.

PRESIDENT CASSELL: Yes, sir.

MR. CROFT: One of the reasons why I raised this question was that I remembered the history of that motion, and I'm very concerned about people indeed trying to have things both ways.

Delegate Jackson made the first motion. The motion was to have it set for all the meetings. That raised uproar and concern among people in the room. The motion then got restated and it was indeed applied to that night, and that night only.

Now, what has happened has been, since then it has been used for every meeting. I am concerned about things being played fairly, openly and honestly. I think that we have to face up to certain kinds of questions which we have not wanted to formally face up to as a group. We have wanted to do it ad hoc, but not formally. That's why I raised the

vr14
point of order.

PRESIDENT CASSELL: The minutes reflect the previous statement that that applied only to that particular meeting, and not even for the balance of the pre-convention activities. The Chair so rules.

MR. LONG: Point of appeal.

PRESIDENT CASSELL: Yes?

MR. LONG: I wish to appeal the ruling of the Chair. The motion was not circumscribed in any way. It said how many speakers, but it did not say how long it, in fact, would last -- for that meeting or for the whole convention.

My memory is that that motion was not made at the same time as -- it was another meeting.

MR. COOPER: Jackson's was before.

MR. LONG: It was at a different time and in a different atmosphere, one in which there was a feeling that the debate was being cut off too quickly; that, at times, people didn't have full opportunity to speak.

So, I wish to appeal to the body the ruling of the Chair that it applied only to that night, and if I'm confirmed, then we can say it applies to the pre-convention activities in general. Or, if I'm defeated, then we've taken care of it and we can get rid of it.

v115

PRESIDENT CASSELL: Is there a second to that motion?

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that the Chair's ruling on this issue be appealed. In order for this to pass, there must be a simple majority, in accordance with the ruling of the Parliamentarian.

Those in favor of overturning the decision of the Chair, signify by raising your hands.

(Fourteen hands were raised.)

PRESIDENT CASSELL: Those not in favor of the motion, signify by raising your hands.

(Sixteen hands were raised.)

PRESIDENT CASSELL: There are 14 in favor of overruling the Chair, 16 in favor of not overruling the Chair.

Abstentions?

(Three hands were raised.)

PRESIDENT CASSELL: There are three abstentions.

MR. BARNES: Point of clarification. My feeling is that when we pass the rules here, they immediately go into the --

MR. LONG: No; there is an entire chapter of the rules.

PRESIDENT CASSELL: There is a motion on the floor, fellow delegates.

MR. B. MOORE: I don't feel properly informed about making a decision on this motion and I would appreciate more comments as to the validity of two-thirds.

PRESIDENT CASSELL: The Chair has ruled that the provision for two speakers on either side is out of order, and has been sustained. We are back to the main motion.

MR. ROTHSCHILD: I'd like to ask for a roll call on that.

PRESIDENT CASSELL: The vote is over.

The main motion on the floor put by delegate Baldwin is that the --

MR. BLOUNT: Point of order.

PRESIDENT CASSELL: Point of order.

MR. BLOUNT: A roll call is in order even if a vote by hand has been taken. I ask for a ruling.

(Pause.)

PRESIDENT CASSELL: The Parliamentarian has referred to the rules and he finds that there is no provision for calling for a roll call vote after the conclusion of a vote.

We have a main motion on the floor, which is delegate Baldwin's motion, and that is that the "majority" in

vr17

the last column on page 11 be replaced by "two-thirds." All in favor of that motion, signify by saying aye.

(A chorus of "ayes.")

MR. LOVE: Record the vote.

(Pause.)

MR. LOVE: I'll revise that to just a division of the house.

PRESIDENT CASSELL: Delegate Love has --

MR. LOVE: I'm asking for a division.

PRESIDENT CASSELL: Well, you've withdrawn your motion for a roll call.

MR. LOVE: I'm moving for a division.

PRESIDENT CASSELL: Yes. Let us take that vote again.

All those in favor of replacing "majority" with "two-thirds" in the last column, the last item, on page 11, signify by raising their hands.

MR. COOPER: Twenty-one.

PRESIDENT CASSELL: Those opposed? Please keep your hands up now, all those not in favor of the motion.

MR. COOPER: Seven.

PRESIDENT CASSELL: Abstentions.

(Three hands were raised.)

vr18
PRESIDENT CASSELL: The motion passes, 21, 7, 3.

MR. COOPER: Four; Mr. Mason didn't vote.

PRESIDENT CASSELL: Okay. We're still on the main motion, which is the adoption of rule 5.2. Can we vote on that now? May I call the question?

Delegate Love?

MR. LOVE: I would like to ask a question here, and this is kind of an informational question. I'm a little unclear at this point. If the convention somehow makes a decision, let's say, for a unicameral body and then wants to change its mind later, how would it go about doing this?

It appears to me at this point that we can no longer reconsider that because that's an actual thing that's in the constitution itself so it's not, by these rules, reconsiderable. Is the next opportunity, then, at the second reading? And if you are going to make an amendment, can you make an amendment totally contrary to the first reading initial amendment, and will that take a two-thirds vote?

I'm just a little confused. If we do something sort of hastily, I'm trying to figure out what the process is by which we could change our mind later on. I'm just asking somebody from the Rules Committee.

PRESIDENT CASSELL: I believe that the rules do

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speak to that. Does anyone from the Rules Committee want to clarify that? I think it's under "Voting."

Mr. Schrag?

MR. SCHRAG: Delegate Love is entirely correct. The proper time at which to correct that error, if an error is made, is on second reading, and at that time the correction will require a two-thirds vote.

PRESIDENT CASSELL: Can you cite that for us?

MR. SCHRAG: Yes. That is in rule 3.2 at the top of page 7. "When reported by the Committee on Style and Drafting for second reading, the proposal may be amended only by the affirmative votes of two-thirds of the members present and voting, but it may be approved as reported by a majority of those present and voting."

PRESIDENT CASSELL: Delegate Love, does that respond to your question?

MR. LOVE: Yes. That could be a total replacement of a section.

MR. SCHRAG: Yes.

PRESIDENT CASSELL: Yes, it's an amendment.

MR. LOVE: And it would require two-thirds of the delegates who are present and voting?

PRESIDENT CASSELL: Two-thirds of the members

present and voting.

MR. LOVE: Thank you.

MR. SCHRAG: Mr. President, I have a different inquiry. I understand and agree with the Chair's ruling based on the Parliamentarian's advice that for the rules that govern us now, a roll call vote may only be demanded before the voting is completed.

But I understand the normal practice to be, and an efficient practice for a body, that the proper time to request a roll call vote is after a voice vote or a standing vote has left matters unclear or delegates, after seeing the result of that vote, want people to go on record. That's the practice, for example, in the House of Representatives and the Senate.

Do I understand that once we adopt our rules and once these rules are in place, rule 4.1, which provides for requests for a roll call vote, means that the proper time for requesting a roll call vote is after we've already voted, so that we don't have to request a roll call vote if it's clear that there's going to be a large majority on one side or the other and it would just be a waste of time?

But the time to request a roll call vote, once these rules are in place, will be after the other types of voting have been completed. Is that correct?

vr21
PRESIDENT CASSELL: Well, it seems that rule 4.2 is silent on that.

MR. SCHRAG: 4.1. This was, I think, our concept in the Rules Committee, that it would be similar to the practice in the Congress, where if there's a voice vote and it sounds kind of even, or a show-of-hands vote and it looks kind of even, at any time until we move on to the next business, even immediately following the count of the show of hands, a delegate may request a roll call vote and then the President will see whether that delegate is supported by at least four other delegates. And if that delegate is supported by four other delegates, we'll proceed to a roll call vote at that point.

If the ruling is the other way, that a roll call vote has to be requested first, then everybody will request roll call votes all the time and we'll have many too many roll call votes where they aren't necessary.

PRESIDENT CASSELL: It is silent on whether it's before or after. Would anyone from the Rules Committee like to comment on that?

MR. C. MASON: I am from the Rules Committee.

PRESIDENT CASSELL: Delegate Mason.

MR. C. MASON: I think probably what we had in mind

was the practice that is followed in the Council, where the request for a roll call vote can be made at any time up to the time when the chair announces the numbers. In other words, you can call for it when you see people raising their hands; you can call for it while the voice vote is being said. But when the chair finally announces the result, numbers or otherwise, then it's too late.

PRESIDENT CASSELL: Let me read the motion to amend that was made by delegate Long. "Any delegate may vote on a roll call vote up until such time as the President announces the results," and that carried.

MR. COOPER: We carried that about a half an hour ago.

PRESIDENT CASSELL: "Up until such time as the President announces the results," which is exactly what you said.

MS. CORN: That's already on a roll call. That's not applicable here as to when you may say, "I want a roll call." Do you just scream out and say you want a roll call?

PRESIDENT CASSELL: Delegate Kameny?

MR. KAMENY: Mr. President, it seems to me that in the interests of avoiding what could be an extremely acrimonious discussion at some future time when we have a

highly contentious subject on the floor and a count of either hands or delegates standing comes out, let us say, to 22 versus 21 and people claim that things weren't accurately counted, even at that point a call for a roll call vote -- especially, in fact, at that point -- would be very well in order to maintain orderly procedure and avoid acrimony later on.

Without proposing specific language at this point, I might leave that to the people on the Rules Committee. I would suggest that language of that kind be incorporated.

MR. SCHURAG: point of order. I made an inquiry which has not yet been answered by the Chair. If the Chair's response to my question is that a roll call request would be in order at any time before the votes are announced, as delegate Mason stated, then no amendment or further action by us will be necessary. That will take care of the question.

MR. KAMENY: My point was that even after the vote is announced from a count of hands or standing up, particularly if it's a very controversial point, you may want to nail it down firmly so that we know how the convention voted.

PRESIDENT CASSELL: The Chair has refrained from making a ruling on that pending further advice from those who direct the rules.

VI.24

Delegate Harris?

MS. HARRIS: I want to speak to delegate Kameny's discussion here. The suggestion he made really leaves it open for delegates to go back and change their minds another way on roll call votes, and I think that's very dangerous.

MR. KAMENY: You have a point.

MS. HARRIS: I think the roll call vote ought to be done before the final, official count is given. I think, this way, you would change the vote.

MR. KAMENY: You have a point. All right; I withdraw.

PRESIDENT CASSELL: Delegate Baldwin, you're next.

MR. BALDWIN: From Roberts Rules of Order, Newly Revised, and this is just a suggestion, "Roll call vote: in a representative body, if there's no legal or constitutional provision specifying the size of the minority that can order a roll call vote, the body should adopt a rule fixing the size of such a minority; for example, one-fifth of those present, as in Congress, or some other portion of those present that is less than a majority."

So, what we need to do is just what Roberts Rules of Order suggests, if the language isn't there.

MR. SCHRAO: We've done that.

VR25
MR. BALDWIN: That would take care of it then.

MR. SCHRAG: We've done that; that's in 4.1. We've done that already.

MR. BALDWIN: Yes.

MR. KAMENY: Yes, 4.1.

PRESIDENT CASSELL: There has been a call for moving the agenda. Before we do that, apparently this is subject to interpretation; this is not covered in rule 4.1. The Rules Committee may want to suggest a reconsideration of that to insert that language. I would suggest that we go on and finish the rules at this particular point, and consider that at the end of the rules.

MR. KAMENY: Is a motion in order? Do you need a motion for that?

PRESIDENT CASSELL: Let me recognize the gentleman who has called for the floor.

MR. ROTHSCHILD: The roll call vote I called for was a clarification of the hand vote. In other words, it was basically so close -- it was 16, 14 -- that in my mind, and with other people taking the tally, it was unclear as to whether or not that was accurate, with no reflection on the Chair or anybody doing the count.

So, my asking for a roll call vote was to clarify

vr26

the count; it was not to delay things. So, I think I was quite in order to do it, and I think logically it was a proper place to ask for it, and it was an important issue to me so I wanted to make sure the vote was the way it was.

MR. BLOUNT: Mr. Chairman?

PRESIDENT CASSELL: Delegate Blount?

MR. BLOUNT: I would move to table that issue.

PRESIDENT CASSELL: It has been moved to table the discussion on this issue. Is there a second?

(The motion was duly seconded.)

PRESIDENT CASSELL: All in favor of that motion, signify by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Those opposed?

(A chorus of "nays.")

PRESIDENT CASSELL: Those abstaining?

(There was one "aye.")

PRESIDENT CASSELL: Let me repeat that. All in favor of that motion, signify by raising your hands.

MS. CORN: Would you repeat the motion?

PRESIDENT CASSELL: The motion was to table this discussion.

MR. BLOUNT: I might clarify what I was saying, Mr.

vr21
Chairman. What I was saying was that it seems to me it's a very critical point whether or not the roll call should be after a vote. Personally, I'm for that, but I think we should discuss that at another time. That's why I'm moving to table the issue.

PRESIDENT CASSELL: Those in favor, signify by raising your hands, please.

MR. COOPER: Twenty-two.

PRESIDENT CASSELL: Those opposed?

MR. COOPER: Five.

PRESIDENT CASSELL: Those abstaining?

(Four hands were raised.)

PRESIDENT CASSELL: The motion carries, 22 to 5 to 4.

Are there any further amendments to 5.2? Delegate Rothschild?

MR. ROTHSCILD: Mr. President, I would like to make a motion to divide the question of 5.2 into its different motions. The reason I'm doing this is because the chart itself is a highly complex chart, and to absorb the chart in its entirety is almost mind-boggling.

MS. SIMMONS: Ad sereatim.

MR. ROTHSCILD: Does that mean in order of the list

VP28

MS. SIMMONS: Yes.

MR. ROTHSCHILD: Okay. I think it would be worthwhile for us to consider each item in its order.

PRESIDENT CASSELL: Is there a second to that motion?

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that we divide rule 5.2 into each of its component parts. Discussion, please?

Delegate Maguire?

MS. MAGUIRE: We're not getting anywhere, okay? We've had these rules on hand for two weeks. If you want --

PRESIDENT CASSELL: I'm sorry, Ms. Maguire. We've just been advised that this motion is not debatable to divide.

Those in favor of dividing it into its component parts, signify by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Those opposed?

(A chorus of "nays.")

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: Division. Those in favor, signify by raising your hands.

MS. CORN: In favor?

PRESIDENT CASSELL: In favor of dividing.

Please keep your hands up and keep them up high. If you raise them up and down, we can't count.

MR. COOPER: That's 16.

PRESIDENT CASSELL: Those opposed?

Delegate Hilda Mason, is your hand up?

MS. H. MASON: Yes.

MR. ROTHSCHILD: Is it in order to call for a roll call vote?

PRESIDENT CASSELL: Do you really mean that?

Those abstaining?

(No response.)

PRESIDENT CASSELL: Okay, 16 to 14.

MR. ROTHSCHILD: Which way?

PRESIDENT CASSELL: The motion to divide carries.

Do I hear a motion to recess?

MS. GRAHAM: Yes, ten minutes.

MR. MARCUS: I move that we take a ten-minute recess.

(The motion was duly seconded.)

PRESIDENT CASSELL: We shall reassemble at 3:43.

MS. H. MASON: Mr. Chairman, I have an announcement

and it's really an announcement of thanks to my staff person who is here. Would you stand up, Deborah? She is an intern from the University of the District of Columbia who plans to go to law school after she graduates this June, and she's very helpful to me and has been helpful all during the time of the planning of the convention. Thank you.

(Applause.)

PRESIDENT CASSELL: Let me make one more announcement which I think is in order, and that is that the Julius Hobson Middle School will be moving shortly from its present location in the Evans Junior High School to the Hein Junior High School.

A VOICE: To the Watkins Elementary School. I went there everyday; it's Watkins Elementary.

PRESIDENT CASSELL: Ms. Butler, is that correct?

MS. BUTLER: Yes.

PRESIDENT CASSELL: Very good; we had some wrong information.

There is planned for the last week in May, the week of Julius Hobson's birthday, a special week of events involving parents and students and the community. There will be a planning committee meeting, Ms. Butler?

MS. BUTLER: Only the Statehood Party Steering

Committee.

PRESIDENT CASSELL: Only the Statehood Party Steering Committee, and when is that?

MS. BUTLER: Tomorrow at 7:00 at Debby's house.

PRESIDENT CASSELL: Tomorrow at 7:00 at Debby Hanrahan's house, 1505 Q Street, Northwest; that's for all Statehood Party members.

(Whereupon, a brief recess was taken.)

PRESIDENT CASSELL: The convention is reconvened. The time, as you see, is four minutes before 4:00. We've got one more hour, and I propose that we close at 5:00 sharp today.

We have finished rule 5.2 and we are now on rule 5.3. Delegate Holmes?

MS. SIMMONS: No.

MR. KAMENY: I wish we were.

MR. MARCUS: That's wishful thinking, Mr. President.

PRESIDENT CASSELL: Yes, sir?

MR. BALDWIN: Mr. President, we are about to begin taking, item by item, rule 5.2, and those motions. Delegate Maguire was about to speak at one point to this; she said we've had them two or three weeks. There has been a considerable amount of discussion on these rules, whether they were in order or out of order.

VI 32

I'm hopeful, in view of what we have to do, that we could take them motion by motion and get as many consensuses as we can. And unless people have got serious problems, we can just move right along. Like, the first motion to adjourn, if, by consensus, we move right to the one to recess, I think that would speed up the process. When we get to those motions that people feel very strongly about, then we could have some debate or deliberation around them.

PRESIDENT CASSELL: There are about 24 items here, and I hope that we can do that as expeditiously as possible.

All right, the first motion; can we adopt this by consensus?

VOICES: Yes.

PRESIDENT CASSELL: Okay.

MR. LOVE: Mr. Chairman?

PRESIDENT CASSELL: Yes?

MR. LOVE: I was going to point out, as was pointed out to me, that a motion to divide the question just means that we go item by item and there can't be any debate on the items, so it shouldn't take us much time by consensus or otherwise. All we can do is vote one of these up or down.

MS. SIMMONS: No.

MR. KAMENY: No.

MR. LOVE: We've just divided the question.

PRESIDENT CASSELL: We'll just take them one at a time.

The second item, to recess for a definite period of time, consensus?

VOICES: Yes.

PRESIDENT CASSELL: The third item, question of privilege, consensus?

VOICES: Yes.

PRESIDENT CASSELL: Call for orders of the day?

VOICES: Consensus.

PRESIDENT CASSELL: Point of order, including quorum call?

VOICES: Consensus.

PRESIDENT CASSELL: Delegate Eichhorn?

MS. EICHORN: In response to the question Mr. Baldwin raised, I wondered if he was satisfied with regard to establishing the points of order of the day.

MR. BALDWIN: Yes, I think it's clear because it's stated that in the absence of this, we can fall back on Roberts Rules of Order anyway, so we wouldn't lose anything.

MS. SIMMONS: Plus, the real one of your concerns was taken care of with --

MR. BALDWIN: Right.

PRESIDENT CASSELL: Okay. Point of order, including quorum call, consensus?

VOICES: Consensus.

PRESIDENT CASSELL: Appeal?

VOICES: Consensus.

PRESIDENT CASSELL: The previous question?

VOICES: Consensus.

PRESIDENT CASSELL: To suspend these rules for a particular purpose?

VOICES: Consensus.

PRESIDENT CASSELL: To close debate at a certain time?

VOICES: Consensus.

PRESIDENT CASSELL: To postpone consideration of a question to a certain date in time or until a particular event has occurred and make it a general or a special order?

VOICES: Consensus.

PRESIDENT CASSELL: To refer an issue to committee?

VOICES: Consensus.

PRESIDENT CASSELL: Division of question?

VOICES: Consensus.

PRESIDENT CASSELL: To amend a resolution, proposal